

REMARKS

Status of Claims

Claims 1, 6-7, 9-10, 15, 17-18, 23-24, 26-27, 32 and 34 are pending, of which claims 1, 10, 18 and 27 are independent.

Claims 7, 15, 24 and 32 have been amended to correct informalities in the claim language and to more clearly define the claimed subject matter. The amendments are fully supported by the original claims. Care has been exercised not to introduce new matter.

Substance of Interview

Applicant thanks the Examiner for his time and courtesy during the interview conducted on October 30, 2009. During the interview, it was argued that the cited prior art fails to disclose the representative colors and selecting the representative color and the position thereof from pixels, with which the Examiner agreed.

Claim Rejection - 35 U.S.C. § 103

Claims 1, 6, 10, 18, 23 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Keller et al. (USP 4,649,502) in view of Masaki (USP 6,775,408 B1). Claims 7, 9, 15, 17, 24, 26, 32 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Keller in view of Shimazaki (USP 6,204,873). Applicant respectfully traverses these rejections for at least the following reasons.

Applicant respectfully submits that, at a minimum, none of the cited references discloses or suggests that *the representative color determining step is executed to create a histogram with the tones of each of the three color components of each pixel in each of the sections, and select*

the representative color and the position thereof from pixels included in a class interval of maximum frequency in the histogram, as recited by claims 1, 10, 18 and 27. It is noted that the representative color is a color characterizing the printed image of the print (see, col. 18, lines 2-21 of the specification). The representative color serving as a color characterizing the image of the print is selected by creating a histogram. In other words, since the representative color is a color characterizing the image of the print, a color having maximum frequency and maximum area and the position thereof are selected from the pixels.

Masaki relates to color image correction to recover normal color balance. According to Masaki, the color image data is corrected “to maximize an overlapping quantity of histograms of the image data on a plurality of colors.” More specifically, in Masaki, histograms of the input image data are prepared for each of R, G, B planes (step S30) and peaks of the R, C B histograms are calculated (step S32) (see, column 3 lines 50-53 of Masaki). However, these peaks are calculated to maximize the overlapping areas of the R, G, B histograms (see, column 3 lines 53-60 of Masaki). In Fig. 7, Masaki merely explains the movement of histograms by using the R-histogram and G-histogram as examples. In other words, Masaki simply discloses a method to calculate peaks of the histograms in color image correction. Masaki therefore fails to teach a method to select a representative color being a “color characterizing the image of the print” and the position thereof from a maximum area formed by the pixels selected based on the histograms.

Accordingly, it is clear that, at a minimum, Masaki fails to disclose that *the representative color determining step is executed to create a histogram with the tones of each of the three color components of each pixel in each of the sections, and select the representative color and the position thereof from pixels included in a class interval of maximum frequency in the histogram*, as recited by claims 1, 10, 18 and 27.

Further, Applicant respectfully submits that the remaining cited references fail to disclose the above identified features. As the Examiner concedes, Keller fails to disclose this feature of selecting the representative color. Further, the “weighting factor” in Keller is not a factor determined by taking whether or not there is a “color characterizing the image of the print” into consideration (see, column 6 lines 43 to 63 of Keller).

As such, Applicant respectfully submits that claims 1, 10, 18 and 27 and all claims dependent thereon are patentable over the cited references.

Further, with respect to claims 7, 15, 24 and 32, Applicant respectfully submits that Shimazaki fails to disclose the subject matter of these claims. Shimazaki relates to “a color conversion adjustment method for a color printer which carries out gray correction conversion for correcting the gray balance for image data and to a gray correction chart.” Shimazaki merely relates to gray balance without any reference to a combination of the gray balance and the representative color and an ink feeding rate controlled by using the results of the comparative calculations of the gray control color if the representative color does not include any of the three color components. As such, Shimazaki fails to disclose the subject matter of claims 7, 15, 24 and 32.

Based on the foregoing, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1, 6-7, 9-10, 15, 17-18, 23-24, 26-27, 32 and 34 under 35 U.S.C. § 103(a).

Conclusion

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Takashi Saito
Limited Recognition L0123

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 TS:lg
Facsimile: 202.756.8087
Date: November 10, 2009

**Please recognize our Customer No. 20277
as our correspondence address.**